

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Government Employees Insurance Company;
GEICO Indemnity Company; GEICO General
Insurance Company; and GEICO Casualty
Company,

Plaintiffs,

-against-

Frank Boatswain; Patrick Auguste, *also known*
as Sosa; Paul Matthew; and John Doe
Defendants 1-5,

Defendants.

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DIANE GUJARATI, United States District Judge:

On March 29, 2021, Plaintiffs Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company, and GEICO Casualty Company (collectively, “Plaintiffs”) commenced this action against Defendants Frank Boatswain, Brianna Boatswain, Patrick Auguste, Paul Matthew, and John Doe Defendants 1-5 (collectively, “Defendants”), bringing a variety of claims in connection with an alleged ongoing fraudulent insurance policy procurement scheme on the part of Defendants.¹ *See generally* Complaint, ECF No. 1. Defendants Frank Boatswain, Patrick Auguste, and Paul Matthew (collectively, the “Defaulting Defendants”) were served but did not appear in this action, *see* Executed Summonses, ECF Nos. 7-9, and the Clerk of Court entered default against them on May 7, 2021, *see* ECF Nos. 13-15.

¹ Per a Notice of Voluntary Dismissal filed by Plaintiffs on May 19, 2021, all claims in this action asserted by Plaintiffs against Defendant Brianna Boatswain were dismissed, without prejudice. *See* Notice of Voluntary Dismissal, ECF No. 16; May 24, 2021 Order.

MEMORANDUM & ORDER
21-CV-01702 (DG) (LB)

On May 26, 2021, Plaintiffs moved for a default judgment against the Defaulting Defendants pursuant to Federal Rule of Civil Procedure 55(b)(2), on Plaintiffs' third cause of action for common law fraud and their sixth cause of action for a permanent injunction. *See generally* Plaintiffs' Motion for Default Judgment (the "Motion"), ECF No 17; Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Default Judgment, ECF No. 17-10. On May 28, 2021, I referred the Motion to Magistrate Judge Lois Bloom for a Report and Recommendation ("R&R"). *See* May 28, 2021 Order.

On December 17, 2021, Judge Bloom issued an R&R recommending that Plaintiffs' Motion be granted as to Plaintiffs' third and sixth causes of action; that Plaintiffs should be awarded \$2,451,144.30 in compensatory damages against Frank Boatswain, Patrick Auguste, and Paul Matthew due to the Defaulting Defendants' fraud; and that the Court should enter a permanent injunction enjoining and restraining the Defaulting Defendants from submitting applications for insurance policies to GEICO. *See* R&R at 2, 9, ECF No. 18. The R&R also recommended that the case should be dismissed against the John Doe Defendants as no John Does were ever identified in this action. *See id.* at 2 n.3, 9. No objection to the R&R has been filed, and the time for doing so has passed. *See id.* at 10.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). To accept those portions of an R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have reviewed Judge Bloom's R&R, and, having found no clear error, adopt the R&R in its entirety.

Accordingly, Plaintiffs' Motion for Default Judgment, ECF No. 17, is granted as to Plaintiffs' third and sixth causes of action; Plaintiffs are awarded \$2,451,144.30 in compensatory damages against Frank Boatswain, Patrick Auguste, and Paul Matthew due to these defendants' fraud; and Frank Boatswain, Patrick Auguste, and Paul Matthew are permanently enjoined and restrained from submitting applications for insurance policies to GEICO. In addition, the case is dismissed against the John Doe Defendants.

The Clerk of Court is directed to enter judgment accordingly.

Plaintiffs are directed to serve a copy of this Order on the Defaulting Defendants by certified mail and to file proof of service no later than February 4, 2022.

SO ORDERED.

/s/ Diane Gujarati

DIANE GUJARATI

United States District Judge

Dated: January 28, 2022
Brooklyn, New York